

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT WHARTON,

Petitioner,

v.

DONALD T. VAUGHN, et al.

Respondents.

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CIVIL ACTION

No. 01-6049

ORDER

AND NOW, this 12th day of February, 2020, upon consideration of the parties' supplemental briefing and the *amicus curiae* brief of the Pennsylvania Office of the Attorney General, it is hereby **ORDERED** that:

- An evidentiary hearing on Petitioner's remaining § 2254 habeas claim is scheduled for **April 1, 2020 at 10:00 a.m. in Courtroom 4-B.**
- As detailed in the accompanying Memorandum Opinion, the Pennsylvania Office of the Attorney General may participate at this hearing as *amicus curiae* and may call and cross-examine witnesses.
- Prior to the hearing, counsel for the parties and the Attorney General shall serve upon all other counsel:
 - a copy of each exhibit the party or the Attorney General expects to offer at the hearing, together with an index of all exhibits;
 - a list of all witnesses that the party or the Attorney General expects to testify; and
 - proposed stipulations.

- Declarations of witnesses will only be admitted by agreement of the parties.
- The parties and the Attorney General may present evidence regarding the Philadelphia District Attorney's Office's communication with the victims' family in connection with its concession of penalty phase relief.

BY THE COURT:

/s/ *Mitchell S. Goldberg*
MITCHELL S. GOLDBERG, J.